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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

United States District Court  
Southern District of Texas  
ENTERED

**NOV 05 1999**

Michael N. Milby, Clerk of Court  
By Deputy Clerk 

**RAQUEL O. RODRIGUEZ and  
JOSE L. RODRIGUEZ,**

**Plaintiffs,**

**Case No. B-CV-96-177**

**vs.**

**RIDDELL SPORTS, INC.;  
RIDDELL, INC.; and  
ALL AMERICAN SPORTS  
CORPORATION,  
D/B/A RIDDELL/ALL AMERICAN,**

**Defendants.**

**ORDER ON DEFENDANTS' OPPOSITION TO PLAINTIFFS'  
MEMORANDUM OF COSTS**

On the 16<sup>th</sup> day of July, 1999, this cause came on for hearing on Defendants' Opposition to Plaintiffs' Memorandum of Costs. The Plaintiffs were represented by their attorney of record, Rex Blackburn. Defendants were represented by their attorneys of record, Robert Summers and Robert Guerra. Intervenor was represented by its counsel of record, Hughes, Watters and Askanase, LLP.

After hearing the argument of counsel, considering the memoranda and affidavits offered in support of and in opposition to the motion, as well as the stipulation as to disputed costs entered into between Plaintiffs and Defendants and good cause existing therefore, the Court rules that Defendants' Opposition to Plaintiffs' Memorandum of Costs, specifically Defendants' opposition

to the ad litem fee listed in Section 1(A) of Plaintiffs' Memorandum of Costs should be and hereby is DENIED.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that based upon the stipulation of the parties, the following costs, which were disputed by Defendants, are taxable costs upon Defendants:

A.3	Professional Civil Process – service of trial subpoena San Antonio, Texas (Fernanda Lopes)	\$ 150.00
A.4	Professional Civil Process – service of trial subpoena (Eddie Barrera)	\$ 80.00
A.5	Professional Civil Process – service of trial subpoena (Dr. Ruiz and Leonel Garza)	\$ 85.00
B.17	Conference room for McElhaney Deposition (Washington Duke Inn)	\$ 187.84
D.6	Dr. John White's Airfare – St. George, UT/Houston (March 14, 1999) and Salt Lake/St. George, UT (March 16, 1999) Delta Airlines	\$ 601.05
D.7	Dr. John White's Airfare – Houston/Brownsville (March 14, 1999) and Brownsville/Salt Lake, UT (March 15, 1999) Continental Airlines	\$1,040.00
D.13	Dr. Richard Goka roundtrip airfare – San Antonio/Brownsville Continental Airlines	\$2,018.00
D.23	Dr. Hannes Vogel Subsistence Fee (1 days @ \$84.00 per diem pursuant to 41 CFR Part 301 Appendix A)	\$ 84.00
D.29	Fred Bass Subsistence Fee (1 days @ \$84.00 per diem pursuant to 41 CFR Part 301 Appendix A)	\$ 84.00
D.30	Dr. John Cassidy Subsistence Fee (1 days @ \$84.00 per diem pursuant to 41 CFR Part 301 Appendix A)	\$ 84.00



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| E.8  | Copy Fee: Duplication of Day In The Life Video (original)<br>for opposing counsel and exhibit (Appletree Production - 1/13/99)   | \$ 160.99  |
| E.13 | Copy Fee: Duplication of Materials Produced by Riddell in<br><i>Whitehead v. Riddell</i> and <i>Dropkin v. Riddell</i> used in preparation<br>for trial (Alphagraphics - 12/11/97) | \$1,200.00 |
| E.30 | Editing of Day In The Life Video and duplication for opposing<br>counsel (TeleVideo Productions - 3/10/99)   | \$ 224.08  |

Pursuant to the stipulation of the parties, the following costs, which were disputed by


Defendants, are not taxable costs upon Defendants:

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|------|--|-----------|
| A.2  | Cameron County Clerk - filing fee for Application for<br>Temporary Guardian                                  | \$ 250.00 |
| A.6  | U.S. District Clerk - fees for copies at trial   | \$ 102.50 |
| D.31 | Emma Vasquez Subsistence Fee (1 day @ \$84.00 per diem<br>pursuant to 41 CFR Part 301 Appendix A)            | \$ 84.00  |
| E.6  | Copy Fee: Copying & Editing of Day In The Life Video for<br>opposing counsel (John Glenn Hall Co. - 2/26/99) | \$ 267.12 |

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendants' opposition to the ad litem fee listed in Section 1(A) of Plaintiffs' Memorandum of Costs is DENIED, and Plaintiffs are entitled to recover, as taxable costs, pursuant to 28 U.S.C. 1920(1), Court-ordered ad litem fees in the amount of \$10,000.00.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the total costs taxable against Defendants in this matter is \$48,248.38.

SIGNED this 5<sup>th</sup> day of November, 1999.

  
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Filemon B. Vela  
U.S. District Judge